

Serial No. 10/719,711

REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification, indicated in the accompanying marked up copy, are believed to be in compliance with CFR 1.121. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification and the Claim with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 04/05/2004. Specifically:

In response to the objections set forth in paragraph A of the Office Action, the Specification has been amended to set forth the diameter of flower buds of the claimed plant.

In response to the objections set forth in paragraph B of the Office Action, the Specification has been amended to set forth the shape of the sepals.

In response to the objections set forth in paragraph C of the Office Action, the Specification has been amended to set forth the location of stipitate glands on the sepals.

In response to the objections set forth in paragraph D of the Office Action, the Specification has been amended to set forth the average diameter of the peduncle.

In response to the objections set forth in paragraph E of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the length, diameter, surface texture, and color designation of the peduncle.

In response to the objections set forth in paragraph F of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the white splotches on the petals.

In response to the objections set forth in paragraph G of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to mature and juvenile thorn color.

In response to the objections set forth in paragraph H of the Office Action, the Specification has been amended to qualify the reference to 18 mm on page 13, line 4.

In response to the objections set forth in paragraph I of the Office Action, the Specification has been amended to set fourth petiole texture and diameter.

In response to the objections set forth in paragraph J of the Office Action, the Specification has been amended to qualify the reference to 40 mm on page 13, line 15.

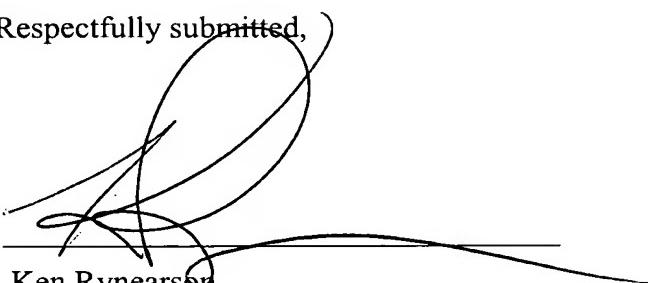
In response to the objections set forth in paragraph K of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the rachis on leaves of the claimed plant.

In response to the objections set forth in paragraph L of the Office Action, the Specification has been amended to qualify the measurement data for leaflets.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

The undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S. Applicants enclose a statement under 3.73(b).

Respectfully submitted,



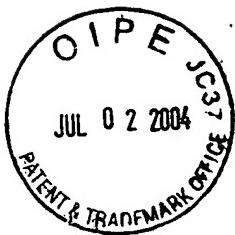
A handwritten signature consisting of several loops and lines forming a stylized 'K' or 'R' shape.

Ken Rynearson
Poulsen Roser Pacific, Inc.

Correspondence with:

Poulsen Roser Pacific, Inc.
620 S. Front Street
Central Point, Oregon 97502
U.S.A.

TEL: 541-245-8050
FAX: 541-665-2252



MARKED UP COPY
10/719, TII

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

CLIMBING ROSE PLANT NAMED

'POULyc004'

CLIMBING ROSE PLANT NAMED

'POULyc004'

ABSTRACT OF THE DISCLOSURE

A new climbing garden rose plant which has abundant, deep yellow flowers and attractive foliage. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.

SUMMARY OF THE INVENTION

BOTANICAL CLASSIFICATION

Rosa hybrida

VARIETY DENOMINATION

5

'POULyc004'

The present invention constitutes a new and distinct variety of garden rose plant which originated from a controlled crossing between an unnamed female parent plant 10 and an unnamed male parent plant. The two parents were crossed during the summer of 1991, and the resulting seeds were planted in a controlled environment in Fredensborg, Denmark. The new variety is named 'POULyc004'.

The new variety may be distinguished from its pollen 15 parent, by the following combination of characteristics:

1. While the pollen parent has a free branching, low growing growth habit, 'POULyc004' has a climbing growth habit.
2. While the pollen parent has very double flowers, 'POULyc004' has flowers characterized 20 as double.

The new variety may be distinguished from its unnamed seed parent, by the following combination of characteristics:

1. The seed parent is multiflorus with up to 25 approximately 20 flowers per stem.

'POULyc004' has up to 5 flowers per stem.

2. While the seed parent has no fragrance,
'POULyc004' has a light floral scent.

The objective of the hybridization of this rose
5 variety was to create a new and distinct variety for
garden use with unique qualities, such as:

1. Uniform and abundant yellow flowers;
2. Vigorous, but compact growth when
propagated both as a budded rose and on
10 its own roots;
3. Disease resistance.
4. Improved flowering habit. Since the
variety is less apically dominant, flowers
are produced from lower branches to the
15 top.

This combination of qualities is not present in
previously available commercial cultivars of this type,
known to the inventor, and distinguish 'POULyc004' from
all other varieties of which we are aware.

20 As part of their rose development program, L.
Pernille Olesen and Mogens N. Olesen germinated the seeds
from the aforementioned hybridization during winter 1991
and conducted evaluations on the resulting seedlings in a
controlled environment in Fredensborg, Denmark.

25 'POULyc004' was selected in the spring 1992 by the

inventors as a single plant from the progeny of the aforementioned hybridization.

Asexual reproduction of 'POULyc004' by traditional budding and rooted cuttings was first done by L. Pernille and Mogens N. Olesen in their nursery in Fredensborg, Denmark in June, 1992. This initial and other subsequent asexual propagations conducted in controlled environments have demonstrated that the characteristics of 'POULyc004' are true to type and are transmitted from one generation to the next.

BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustration shows as true as 15 is reasonably possible to obtain in color photographs of this type, the typical characteristics of the buds, flowers, leaves, and stems, of 'POULyc004'. Specifically illustrated in FIGURE 1:

Fig 1.1; Open flower, stem showing open
20 flower, the attachment of buds, and peduncles;

Fig 1.2; Flower bud closed, partially open
bloom and open flower.

Fig 1.3; Flower petals, detached;
25 Fig 1.4; Sepals, receptacle, and pedicel;

Fig 1.5; Mature leaves;

Fig 1.6; Bare stems.

5

DETAILED DESCRIPTION OF THE VARIETY

The following is a description of 'POULyc004', as observed in its growth in a field nursery in Jackson County, Oregon. Observed plants are 3 years of age.

10 Color references are made using the Royal Horticultural Society (London, England) Colour Chart, 1995, except where common terms of color are used.

For a comparison, several physical characteristics of the rose variety 'POULhult', a rose variety from the 15 same inventors described and illustrated in U.S. Plant Patent Application No. 10/267,547 and dated 8 October 2002, are compared to 'POULyc004' in Chart 1.

CHART 1

	'POULyc004'	'POULhult'
20	Flower Diameter 30-35 mm.	55 to 60 mm.
25	Color of outermost petals after opening inner side.	Yellow Group 13A. Yellow Group 11D.
	Petal Size 16 mm (l) x 10 mm (w).	27 mm (l) x 28 mm (w).

Parents:

Seed Parent: unnamed plant.

Pollen Parent: unnamed plant.

5

FLOWER AND FLOWER BUD

Blooming habit: Continuous.

Flower bud:

Size: Upon opening, 11 mm in length
from base of receptacle to end
of bud. BUD DIAMETER IS 6 mm.

10

Bud form: Pointed ovoid.

Bud color: As sepals unfold, petals are
Yellow-Orange Group 15B to 15C.
Yellow-Orange Group 15B to 15C.

15

at $\frac{1}{4}$ opening.

Sepals:

Upper Surface:

Color: Yellow-Green Group 146C
with intonations of
Greyed-Purple Group 183A.

20

Lower Surface:

Color: Yellow-Green Group 144A
with intonations of
Greyed-Purple Group 183A.

25

Shape: SUBULATE.

- Margins: Margins have weak foliaceous appendages on three of the five sepals. Surfaces of sepals moderately pubescent. Stipitate glands ~~are sparse.~~ OBSERVED AT THE MARGINS AND THE APEX OF SEPALS IN SPARSE QUANTITY.
- 5 Anthocyanin: Weak. Greyed-Purple Group 183A.
- Size: 20 mm long by 4 mm wide.
- Receptacle:
- 10 Surface Texture: Smooth and glaucous.
- Shape: Urn-shaped.
- Size: 50 mm (h) x 5 mm (w).
- Color: Yellow-Green Group 144A.
- Peduncle: color: Yellow Green Group 144A.
- 15 Surface: Smooth and glabrous.
- Length: 23 to 25 mm average length.
- Borne: DIAETRIC: NORMALLY 2 MM. Multiples of 5 buds per flowering stem. Occasionally single.
- 20 Anthocyanin:
- Color: Greyed-Red Group 183A.
- Flower bloom:
- Fragrance: Light floral.
- 25 Duration: The blooms have a duration on

the plant of approximately 7 to
10 days.

Size: Average flower diameter is 30-
35 mm when open.

5 Form: Rosette with outermost petals
slightly overlapping.

Shape of flower when viewed from the side:
Upon opening, upper part: Flattened
convex.

10 Upon opening, lower part: Flat.
Open flower, upper part: Flattened
convex.
Open flower, lower part: Flat.

Petalage: Semi-double. Average range: 25-30
petals under normal conditions with 3
petaloids.

15 Color:

Upon opening, petals:

Outermost petals:
20 Outer side: Yellow Group 13B. OCCASIONALLY
PETALS EXHIBIT
Inner Side: Yellow Group 13A. BLOCHES 155 A IN
COLOR.

Innermost petals:
Outer side: Yellow Group 13B.
Inner Side: Yellow Group 13A.

25 Upon opening, basal petal spots: No distinctive

coloration at
petal base
observed.

After opening, petals:

5 Outermost petals:

Outer side: Yellow Group 13B. OCCASIONALLY OUTER
PETALS EXHIBIT BLOTTES OR
Inner Side: Yellow Group 13A. 135 A.

Innermost petals:

Outer side: Yellow Group 13B.

10 Inner Side: Yellow Group 13A.

After opening, basal petal spots: No distinctive
coloration at
petal base
observed.

15 General Tonality: On open flower Yellow Group 13A
 to 13B. No change in the
 general tonality at the end of
 the 10th day. Afterwards,
 general tonality is Yellow

20 Group 12C.

Petals:

Petal Reflex: Petals reflexed slightly.

Margin: Entire with point in center of
 margin.

25 Shape: Apex: Pointed.

Base: Acute.
Size: 16 mm (l) x 10-15 mm (w).
Texture: Smooth.
Thickness: Thin.
5 Arrangement: Not Formal.

Petaloids:

Quantity: 3-5.
Size: 12 mm (l) x 7 mm (w).
Color:

10 Upper Surface:

Yellow Group 13A.

Lower surface:

Yellow Group 13A.

Reproductive Organs:

15 Pistils:

Length: 5-6 mm long.

Quantity: 35 (actual count).

Pollen: None observed.

Anthers:

20 Size: 1.5 mm long.

Color: Yellow-Orange Group 18A.

Quantity: 48 (actual count).

Filaments:

Color: Orange Group 17B.

25 Length: 5-6 mm.

Stigmas: Level in location to anthers.

Color: Yellow-Green Group 145D.

Styles:

Color: Yellow-Green Group 145D.

5 Other intonations: None.

Hips: None Observed in the field nursery in Jackson County Oregon.

PLANT

10 Plant growth: Vigorous climbing habit with weak apical dominance in flowering characteristics.

Stems:

Color:

15 Young wood: Yellow-Green Group 144A to 144B.

Older wood: Yellow-Green Group 144A to 144B.

Surface Texture:

20 Young wood: Smooth.

Older wood: Rough.

Thorns:

Incidence: 4 thorns per 10 cm of stem.

25 Size: Average length: 4 mm.

JUVENILE THORN Color: Greyed-Purple Group 183A

MATURE THORN COLOR: to 183B..
Shape: Greyed Purple 183 B.
Linear to concave.

Anthocyanin:

5 None observed.

Plant foliage: Normal number of leaflets on
normal leaves in middle of the
stem: 5 leaflets.

Compound Leaf size: 12-30 mm (l) x 7-20 mm

10 (w).

Color:

Mature Foliage:

Upper Leaf Surface: Yellow-Green
Group 147A.

15 Lower Leaf Surface: Yellow-Green
Group 146A to
146B.

Juvenile foliage:

Upper Leaf Surface: Yellow-Green

20 Group 147A.

Lower Leaf Surface: Yellow-Green
Group 146A to
146B.

Anthocyanin: None observed.

25

Plant leaves and leaflets

Stipules:

Upper Surface: Pubescent.

5 LENGTH: Size: 18 mm.
 Color: Yellow-Green Group 146A.
 Shape: Linear with outward
 extending apices.
 Margins: Finely serrated with
 stipitate glands.

10 Petiole:

Length: 15 to 30mm.

Color: Yellow-Green Group 146C.

Diameter:
Rachis:

1 MM.

Color: Yellow-Green Group 146C.

15 LENGTH: Size: 40 mm.
 TEXTURE: Leaflet: UNDERSIDES HAVE SMALL PUCKLES.

Edge: Finely serrated.

Shape: Generally ovate to rounded
 with cuspidate apex and

20 rounded base.

Texture: Smooth.

Arrangement: Odd pinnate.

Venation: Reticulate.

Glossiness: Moderate.

25 Size: 37 (l) x 22 (w).

mm

mm

Disease resistance:

Above average resistance to mildew, rust, black spot, and Botrytis under normal growing conditions in Jackson County, Oregon.

5

Cold Hardiness:

The variety 'POULyc004' has been found to be cold tolerant to USDA Cold Hardiness Zone 6.

CLAIM

A new and distinct variety of rose plant of the climbing rose class, substantially as herein illustrated
5 and described as a distinct and novel rose variety due to its abundant deep yellow flowers, disease resistance, and extended period of bloom.